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Attorney for Defendant

**UNITED STATES DISTRICT COURT  
CLARK COUNTY, NEVADA**

**UNITED STATES OF AMERICA,**

Plaintiff,

vs.

**ANTHONY RIOS,**

Defendant.

Case No. 2:21-cr-00321-JCM-VCF

**STIPULATION AND ORDER TO  
CONTINUE DEADLINE FOR DEFENSE  
TO FILE A COMPETENCY MOTION**

**IT IS HEREBY STIPULATED BY AND BETWEEN** Defendant, ANTHONY RIOS by and through his counsel, LANCE J. HENDRON, ESQ., of the Law Firm HENDRON LAW GROUP, LLC, and Plaintiff, United States of America, by and through Jason M. Frierson, United States Attorney and Allison Reese, Assistant United States Attorney, for defense counsel to have additional time to file a motion as discussed at the May 12, 2023 hearing in front of United States Magistrate Judge in reference to Defendant's competency and whether Defendant is unable to assist properly in his defense.

This Stipulation is entered into for the following reasons:

1. On May 12, 2023, the Magistrate Judge denied the Defendant's Motion to Withdraw as Counsel [ECF 63] without prejudice;
2. At the hearing, the Magistrate Judge allotted defense counsel until June 2, 2023 to file a motion as discussed on the record in reference to Defendant's competency and whether Defendant is unable to assist properly in his defense;

3. Defense counsel has been proactive in seeking a provider to evaluate Defendant, however, defense counsel is unable to have a provider complete such an evaluation prior to June 2, 2023;
4. Defense counsel respectfully requests for an additional thirty (30) days for the filing a motion regarding Defendant's competency;
5. That counsel for Defendant has spoken with Allison Reese, Assistant United States Attorney, who has no objection to the requested additional time;
6. Defendant is currently incarcerated;
7. Calendar Call in this matter is set for September 6, 2023 and Jury Trial is set for September 11, 2023;
8. That denial of this request for additional time could result in a miscarriage of justice; and
9. The additional time requested is not for delay and the ends of justice are in fact served by the granting of such a request.

DATED this 1st day of June, 2023.

Respectfully Submitted,

/s/ Lance Hendron

Lance J. Hendron, Esq.  
Attorney for Defendant

/s/ Allison Reese

Jason M. Frierson,  
United States Attorney  
Allison Reese,  
Assistant United States Attorney

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**UNITED STATES DISTRICT COURT  
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**UNITED STATES OF AMERICA,**

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Plaintiff,

vs.

**ANTHONY RIOS,**

Defendant.

**FINDINGS OF FACTS, CONCLUSION OF LAW AND ORDER**

Based on the pending Stipulation of Counsel, and good cause appearing therefore, the Court finds:

1. On May 12, 2023, the Magistrate Judge denied the Defendant's Motion to Withdraw as Counsel [ECF 63] without prejudice;
2. At the hearing, the Magistrate Judge allotted defense counsel until June 2, 2023 to file a motion as discussed on the record in reference to Defendant's competency and whether Defendant is unable to assist properly in his defense;
3. Defense counsel has been proactive in seeking a provider to evaluate Defendant, however, defense counsel is unable to have a provider complete such an evaluation prior to June 2, 2023;
4. Defense counsel respectfully requests for an additional thirty (30) days for the filing a motion regarding Defendant's competency;
5. That counsel for Defendant has spoken with Allison Reese, Assistant United States Attorney, who has no objection to the requested additional time;

- 1 6. Defendant is currently incarcerated;
- 2 7. Calendar Call in this matter is set for September 6, 2023 and Jury Trial is set for
- 3 September 11, 2023;
- 4 8. That denial of this request for additional time could result in a miscarriage of justice;
- 5 and
- 6 9. The additional time requested is not for delay and the ends of justice are in fact
- 7 served by the granting of such a request.

8 **CONCLUSIONS OF LAW**

9 The ends of justice are served by granting defense counsel additional time for filing a

10 motion regarding Defendant's competency, since the failure to grant said continuance would

11 be likely to result in a miscarriage of justice.

12 **ORDER**

13 **IT IS HEREBY ORDERED** that defense counsel shall have until 5th day of

14 July, 2023 to file a motion regarding Defendant's competency.

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16 **DATED** this 2nd day of June, 2023.

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19 **UNITED STATES MAGISTRATE JUDGE**

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